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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,991	04/25/2000	Susie J. Wee	10992724	8759

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IP Administration
Legal Department 20BN
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EXAMINER	
AN, SHAWN S	
ART UNIT	**PAPER NUMBER**
2613	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/557,991	WEE ET AL.	
	Examiner	Art Unit	
	Shawn S An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-30* is/are allowed.

6)☒ Claim(s) *11-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Reconsideration

1. Applicants' reconsideration filed 1/5/04 have been fully considered but they are not persuasive. The Applicants present an argument that Examiner's statement in the Official action is hard to understand, specifically " ... such that any motion vector point to an identified subset of another frame level by DCT".

After careful scrutiny of Meyers' reference, the Examiner must respectively disagree, and maintain the grounds of rejection for the reasons that follow.

Initially, the Examiner would like to point out that the statement " ...such that any motion vector point to an identified subset of another frame level by DCT", wherein the underlined level by DCT is a mistake and should not be there at all.
Therefore, the Examiner apologizes for the mistake.

Nevertheless, Meyer clearly discloses a method of processing bitstream representing a compressed image frame sequence, and apparatus (Fig. 1, 110), comprising:

receiving for each frames identifying a subset of image slices for the frame, wherein the subsets are independently encoded from other image slices (col. 5, lines 14-18; col. 8, lines 33-51), such that any motion vector point to an identified subset of another frame (Fig. 5; col. 8, lines 63-67; col. 9, lines 1-15; also inherency, emphasized).

The Applicants' assert that the Meyer calls for decoding every frame, in its entirety, in sequence ... (page 3, lines 2-3). The Examiner could not find any disclosure in Meyer's reference teaching the Applicants' assertion of decoding every frame.
Therefore, the Examiner would like Applicants' proof on the assertion.
Furthermore, Meyer clearly discloses decoding a subset of image slices, not decoding every frame (col. 8, lines 40-43). In words, the decoders (111a-111d) are decoding the input bitstream at a slice level, much like the Applicants' invention, and do not break down further into macroblock level.

Meyer's Fig. 5 (prior art), also discloses the relationship between image slices and images as processed by the decoding system of Fig. 1. In other words, the figures support the decoder decoding at the slice level. Otherwise, Fig. 5 would disclose image in macroblock level or block level for decoding process as is also well known in the art.

Moreover, the motion vector is clearly met by MVS in Fig. 1, and the fact that the motion vector point to an identified subset of another frame is an inherent feature that is well known in the art. Conventionally, the motion vector is known as a displacement vector of a size/magnitude between reference point A (current frame) to ending point B (reference frame). Therefore, it is inherent that the motion vector point to an identified subset of another frame.

Furthermore, regarding claim 11, Meyer discloses all of the claimed limitations except selectively editing decoded data, encoding new image slices from the decoded data and edited data, and inserting the new image slices into the bitstream and generating a representative an output signal. However, the Examiner has introduced the secondary reference (Bailleul) to support the only limitations that were lacking by the Meyrer's reference.

Moreover, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Finally, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

As per Applicant 's requesting proof on the official notice of claim 16, Meyer's prior art (Fig. 8) clearly teaches/shows for each frame (picture) a map identifying

position of image slices in the subset with respect to the total number of slices and identifying total number of slices for the frame (picture). Furthermore, see Sun et al 's (5,247,363) reference (Fig. 1).

As per Applicant 's requesting proof on the official notice of claim 20, Meyer discloses identifying slices of the subset into a frame (picture) header of the output signal (Fig. 8, Picture Start Code), and Bailleul discloses inserting new information such as a logo (Fig. 5, Logo(n)).

Therefore, it would have been obvious that a person of ordinary skill in the art employing Meyer's reference to incorporate the editing concept/method as taught by Bailleul for an efficient editing/splicing operation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer (5,502,493) in view of Bailleul (6,181,743) as previously discussed in the last Official action as Paper 11.

Allowable Subject Matter

4. Claims 21-30 are allowed as discussed in the last Official action as Paper 11.

Conclusion

5. The prior art made of record is considered pertinent to applicant's disclosure.

A) Sun et al (5,247,363), Error concealment apparatus for HDTV receivers.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ***Shawn S An*** whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).

8. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSA
Primary Patent Examiner
3/16/04